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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,638	12/04/2003	Ja-Hum Ku	2421-000030/US	6177

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

BOOTH, RICHARD A

ART UNIT	PAPER NUMBER
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2812

MAIL DATE	DELIVERY MODE
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11/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,638

Applicant(s)

KU ET AL.

Examiner

Richard A. Booth

Art Unit

2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 7-9, 15-18, 21, 25-26, and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al., "Thermally Robust Ta-doped Ni Salicide Process Promising for sub-50nm CMOSFETs.

Sun et al. shows the invention substantially as claimed including a method of forming a nickel silicide layer on an exposed silicon surface comprising: depositing a nickel alloy layer on the exposed silicon surface, the nickel alloy including nickel and a tantalum alloying element; and reacting the nickel alloy with the exposed silicon surface to form a nickel silicide layer having an upper layer and a lower layer, wherein the alloying metal is preferentially segregated in the upper layer (see entire document).

Concerning particular concentrations of alloying elements in the layers including the lower layers and upper layers and the atomic ratio, the claimed concentrations of the alloying elements and the reaction temperatures, generally, differences in concentration or temperature will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). With respect to the relative thicknesses of the upper and lower layers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine through routine experimentation the optimum relative thicknesses based upon a variety of factors including the desired sheet resistance of the silicide layer and

such limitation would not lend patentability to the instant application absent a showing of unexpected results.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claims 5-6, 10-14, 19-20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al., "Thermally Robust Ta-doped Ni Salicide Process Promising for sub-50nm CMOSFETs as applied to claims 1-4, 7-9, 15-18, 21, 25-26, and 28-34 above, and further in view of Amos et al., U.S. Patent 6,846,734.

Sun et al. is applied as above but does not expressly disclose a capping layer of titanium nitride formed over the nickel alloy prior to reaction and then removed after the reaction.

Amos et al. discloses forming a capping layer of titanium nitride 60 on the nickel alloy before reacting the nickel alloy with the exposed silicon, where the nitrogen:titanium atomic ratio is at least 0.5 (see fig. 13 and col. 9-line 10 to col. 10-line 34). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Sun et al. so as to form a titanium nitride capping layer as disclosed by Amos et al. because the capping layer prevents unwanted impurities from entering the nickel alloy layer during reaction.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al., "Thermally Robust Ta-doped Ni Salicide Process Promising for sub-50nm CMOSFETs as applied to claims 1-4, 7-9, 15-18, 21, 25-26, and 28-34 above, and further in view of Chittipeddi et al., U.S. Patent 6,498,080.

Sun et al. is applied as above but does not expressly disclose forming a gate capping layer on the gate electrode to protect an upper surface of a polysilicon layer included in the gate electrode and exposing silicon surfaces only on the gate electrode while covering the source/drain regions with an insulating layer.

Chittipeddi et al. discloses exposing silicon surfaces on the gate electrode 15 while covering the source/drain regions with an insulating layer 57 (see fig. 12) or forming a gate capping layer 17 on the gate electrode to protect an upper surface of a polysilicon layer included in the gate electrode (see figs. 8-9). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Sun et al. so as to include the silicidation processes of Chittipeddi et al. because this allows for greater flexibility in the process since the gate and source/drain regions do not need to be all silicided or all silicided from the same material.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Response to Arguments

Applicant's arguments filed 10/31/07 have been fully considered but they are not persuasive. The declaration has not been signed and therefore it has not been considered. Furthermore, applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Conclusion

This is a RCE of applicant's earlier Application No. 10/726,638. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

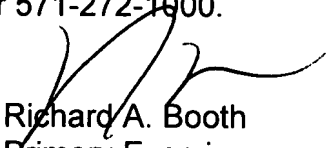
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard A. Booth whose telephone number is (571) 272-1668. The examiner can normally be reached on Monday-Thursday from 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lebentritt can be reached on (571) 272-1873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Richard A. Booth
Primary Examiner
Art Unit 2812

November 12, 2007